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Hearing Date: November 17, 2021  
Hearing Time: 10:00 a.m.  
Objection Date: November 10, 2021

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re

JORGE MIGUEL PRIETO,

Case No. 1-20-40402-jmm

Debtor.

Chapter 11

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JORGE MIGUEL PRIETO,

Plaintiff,

-against-

Adv. Pro. No. 1-20-01131-jmm

ROSA PRIETO and ELMHURST ASSETS LLC,

Defendants.

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**NOTICE OF DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S AMENDED  
COMPLAINT AND ALL CLAIMS ASSERTED THEREIN**

**PLEASE TAKE NOTICE**, that upon the annexed application (the "Application"), dated October 13, 2021, Rosa Prieto ("Rosa") and Elmhurst Assets LLC ("Elmhurst," and together with Rosa, the "Defendants"), the defendants in the above-captioned adversary proceeding (the "Adversary Proceeding"), by their attorneys, Bronster LLP, seeking the entry of an order: (i) pursuant to Rule 7012 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), dismissing the Amended Complaint (the "Am. Complaint"), dated December 19, 2020, of Jorge

Miguel Prieto (“Plaintiff”), the plaintiff in the Adversary Proceeding, and all claims asserted therein; and, (ii) granting such other and further relief as this Court deems just and proper, there will be a hearing in the Courtroom of the Honorable Jill Mazer-Marino, United States Bankruptcy Judge at the United States Bankruptcy Court, Conrad B. Duberstein U.S. Courthouse, 271-C Cadman Plaza East, Brooklyn, New York 11201, Courtroom 3529 (although such hearing may be telephonic so please consult chambers’ rules) on the **17<sup>th</sup> day of November 2021, at 10:00 a.m.**, or as soon thereafter as counsel may be heard (the “Hearing Date”).

**PLEASE TAKE FURTHER NOTICE**, that objections, if any, to the Application must be made in writing and filed with the Court (a)(i) through the Court’s electronic filing system and in accordance with the Administrative Order of the United States Bankruptcy Court for the Eastern District of New York dated June 4, 2003, accessible at [www.nyeb.uscourts.gov](http://www.nyeb.uscourts.gov), and (ii) in a portable document format (PDF) using Adobe Exchange for conversion; or, (b) if a party is unable to file electronically, such party shall submit the objection in PDF format on a diskette in an envelope with the case name, case number, type and title of document, document number of the document to which the objection refers, and the file name on the outside of the envelope; or (c) if a party is unable to file electronically or use PDF format, such party shall submit the response on a diskette in either Word, WordPerfect or DOS text (ASCII) format. A response filed by a party with no legal representation shall comply with section (b) or (c) as set forth in this paragraph.

**PLEASE TAKE FURTHER NOTICE**, that any objections, if any, must be filed with the Clerk and served upon and received by the undersigned no later than 5:00 p.m. on **November 10, 2021** (the “Objection Date”). If no objections are received by the Objection Date, the relief requested in the motion may be granted without a hearing.

Dated: October 13, 2021  
New York, New York

BRONSTER LLP  
Attorneys for Defendants

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